REMARKS

Claims 1-15 are pending in the present application. With entry of this Amendment, Applicant amends claims 1 and 9-15 and adds new claim 16. Reexamination and reconsideration are respectfully requested.

The Examiner rejected claims 1-15 under 35 U.S.C. 102(b) as being anticipated by Mohrbacher (US 5602356). The rejection is respectfully traversed.

The present invention is directed to method and apparatus for producing a waveform. The produced waveforms faithfully represent tone color variations employed by a player using various styles of rendition unique to a natural instrument. This is achieved by generating a packet stream that includes packets of information to produce a waveform. The packet stream is generated in accordance with "style of rendition identification information." This information represents a style of rendition used in a musical performance, such as vibrato. If it is desired to produce a waveform with vibrato, this identification information identifies the vibrato style of rendition. Amended claim 1 recites "receiving style-of-rendition identification information representing a style of rendition used in a musical performance corresponding to a waveform to be produced . . . ."

In contrast, Mohrbacher does not disclose receiving style-of-rendition identification information. Mohrbacher relates to a music system that allows a student to imitate a performance of a professional player while allowing the student some control over loudness, after-touch, etc. In one embodiment, the performance of the professional is recorded on videotape. Then, a studio musician plays the performance to generate musical note assistance data. The musical note assistance data is synchronized to the videotape and programmed into a specially designed musical instrument. The student can then practice the performance on the specially designed musical instrument with the assistance of the musical note assistance data and the videotaped performance.

The Examiner contends that the recited step above is disclosed in Mohrbacher "as recording a rendition of a piece (col. 1 lines 30-45, col. 2 line 48 – col. 3 line 10) for future recall in reproducing a note, or a series of notes of the rendition (col. 42, lines 32-65)." Col. 1, lines 30-45 discloses recording the rendition of the professional player while Col. 42, lines 32-50 discloses that

the musical note assistance data can be used reproduce the studio musician's rendition. In both cases, what is recorded and reproduced are renditions of the original performance, which is a mere group of performance tones. There is no disclosure or suggestion of receiving information that *identifies* a style of rendition used in a musical performance corresponding to a waveform to be produced. Accordingly, Applicant respectfully submits that claim 1 and its dependent claims (including new claim 16) are not anticipated by Mohrbacher.

The Examiner also contends that Mohrbacher discloses the step of "generating a packet stream in accordance with the style-of-rendition identification information received by said step of receiving, the packet stream including packets of information for producing and/or controlling a waveform" as recited in claim 1. The Examiner's citation to Col. 42, lines 50-65 only discloses that the student can play the performance with the assistance of the musical note assistance data. The musical note assistance data provides a performance guide for the student and does not correspond to a packet of "information for producing and/or controlling a waveform" as recited in claim 1. Thus, Applicant respectfully submits that claim 1 and its dependent claims (including new claim 16) are not anticipated by Mohrbacher for this reason as well.

Applicant respectfully submits that independent claims 9-11 are not anticipated by Mohrabacher for at least the reasons set forth above with respect to claim 1.

Amended claim 12 recites "arranging, on a time axis, vector data for producing a waveform representing a style of rendition used in a musical performance corresponding to a waveform to be produced corresponding to packets, in accordance with the time information; and producing a waveform on the basis of the vector data arranged on the time axis." The recited steps are not disclosed in Mohrbacher. The cited method beginning at Col. 47, line 22 performs curve fitting to determine a timing mark for synchronizing the keyboard/strummer 10 with a pre-recorded performance. This synchronization is based on determining, through a least squares technique, amplitude value differences between the keyboard/strummer 10 and the pre-recorded performance for a performance sample interval (see, e.g., Col. 47, lines 36-63). If the sum of the squared differences is below a certain value, the curve fitting is successful. Thus, any arrangement on a time

axis is based on determining amplitude value difference rather than time information. Accordingly, Mohrbacher fails to disclose the recited steps.

Applicant respectfully submits that independent claims 13-15 are not anticipated by Mohrabacher for at least the reasons set forth above with respect to claim 12.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicant requests that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032020000.

Dated: February 10, 2004   Respectfully submitted,

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